

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

DON BLANKENSHIP,

Plaintiff,

v.

Case No.: 2:19-cv-00236

HONORABLE ANDREW NAPOLITANO  
(RET.), et al.,

Defendants.

**MOTION OF DEFENDANT DAN RATHER TO DISMISS PLAINTIFF'S FIRST  
AMENDED COMPLAINT WITH PREJUDICE**

Now comes the Defendant, Dan Rather, by his undersigned counsel, and, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, moves the Court to Dismiss Plaintiff Don Blankenship's First Amended Complaint with Prejudice, for the reasons assigned in the accompanying Memorandum in Support thereof, and in the Declaration of Dan Rather, attached hereto as "Exhibit A", both of which are incorporated herein by this reference.

Respectfully submitted,

/s/ William D. Wilmoth

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2019, a true and correct copy of the foregoing was served via CM/ECF on all counsel of record in this action registered to receive CM/ECF notification.

/s/ William D. Wilmoth  
William D. Wilmoth (WV Bar No. 4075)